



PROPOSED RULE MAKING

CR-102 (June 2012)**(Implements RCW 34.05.320)**Do **NOT** use for expedited rule making**Agency:** Agriculture☒ **Preproposal Statement of Inquiry was filed as WSR** 13-22-093; 14-01-025 ;**or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; **or**☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**☒ **Original Notice**☐ **Supplemental Notice to WSR** _____☐ **Continuance of WSR** _____**Title of rule and other identifying information:** (Describe Subject)

16-228-1231 What are state restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only?

16-230-610 what are use restricted herbicides in Eastern Washington?

Hearing location(s):Washington State Department of Agriculture
Second Floor Conference Room, Room 238
21 N 1st Ave, Yakima, WA 98902Date: Wednesday, March 19, 2014 Time: 1:00 p.m.**Submit written comments to:**

Name: Teresa Norman

Address: PO Box 42560

Olympia, WA 98504-2560

e-mail WSDARulesComments@agr.wa.govfax (360) 902-2092 by (date) March 19, 2014**Assistance for persons with disabilities:**

Contact WSDA Agency Receptionist at (360) 902-1976

TTY: (800) 833-6388 or 711 by March 5th, 2014

Date of intended adoption: April 2, 2014(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To exempt liquid formulations of ready-to-use phenoxy hormone-type herbicides from being declared State Restricted Use pesticides. Currently, salt formulations of phenoxy hormone-type herbicides distributed in quantities of one gallon or less and dry formulations intended only for home and garden use or turf use are exempt from being designated as State Restricted Use 16-228-1231. The proposed amendment would add ready-to-use liquid formulations to the list of exempted products. The proposed amendments are a result of a petition for rule making submitted by the The Scotts Company LLC. In addition, the amendment to 16-230-610 will exempt liquid formulations of ready-to-use hormone-type herbicides from being declared use restricted herbicides in Eastern Washington.

Reasons supporting proposal: Adopting rules exempting ready-to-use liquid formulations in quantities greater than one gallon would benefit human and environmental health. Ready-to-use liquid formulations are generally safer for the applicator since there is no mixing or loading involved and the percentage of active ingredient is generally much less than that found in a concentrate material. The potential for human exposure, and negative impacts from exposure if it should occur, are significantly reduced. It is also safer for the environment since it is less likely that product will be over-applied and less likely that there will be a need for disposal of unused product. Finally, it complies with the intent of the rule by significantly reducing the amount of active ingredient being purchased by an unlicensed person.

Statutory authority for adoption: RCW 15.58.040 and 17.21.030 and chapter 34.05 RCW**Statute being implemented:** RCW 15.58.040 and 17.21.030**Is rule necessary because of a:**

Federal Law?

☐ Yes☒ No

Federal Court Decision?

☐ Yes☒ No

State Court Decision?

☐ Yes☒ No

If yes, CITATION:

DATE

January 29, 2014

NAME (type or print)

Ted Maxwell

SIGNATURE**TITLE**

Assistant Director

CODE REVISER USE ONLY**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED****DATE: February 04, 2014****TIME: 9:34 AM****WSR 14-04-100**

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) The Scotts Company, LLC

- ☒ Private
☐ Public
☐ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Cliff Weed	Olympia, WA	(360) 902-2036
Implementation....Cliff Weed	Olympia, WA	(360) 902-2036
Enforcement.....Joel Kangiser	Olympia, WA	(360) 902-2013

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The Pesticide Management Division has analyzed the proposed rule amendment and the costs of compliance and has determined that the proposed rule amendments impose no new costs on WSDA-regulated businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i).